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DATE:

February 13, 2001

TO:

Garnette D. Draper, Examiner

Patent and Trademark Office

FAX #:

703/308-0294

FROM:

Robert Winter

DIRECT DIAL #: 805/447-2425

There are a total of 6 pages being transmitted. If all of the pages are not received, please contact us. Thank you.

COMMENTS:

Applicant: William J. Boyle

Serial No. 09/211,297 Our Docket No. A-451F Trial Section Merics anel SOX INTERFERENCE WASHINGTON DC 20231 Telephone: 703-308-9797 Facsimile: 703-305-0942

Exhibit A

Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

WILLIAM J. BOYLE (5,843,678 and 08/880,855),

Junior Party,

MAILED

٧.

JUN 2 8 2000

DANIEL M. GORMAN and JEANINE D. MATTSON (08/989,362),

PAT. & T.M. OFFICE SOARD OF PATENT APPEALS AND INTERFERENCES

Senior Party.

Interference No. 104,336

Before SCHAFER, LEE, and TORCZON, <u>Administrative Patent Judges</u>.
TORCZON, <u>Administrative Patent Judge</u>.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662)

INTRODUCTION

Junior party Boyle requests entry of adverse judgment against itself by conceding priority for both counts in this interference (Paper No. 38). The request is granted.

ORDER

Upon consideration of the record of this interference, it is-

35 U.S.C. § 135(c) Notice: Failure to file a copy of any agreement regarding the termination of this proceeding may render the agreement and any resulting patents unenforceable. See section 135(c) and 37 CFR § 1.661 for more decails.

Interference No. 104,336 Boyle v. Gorman

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ORDERED that judgment on priority as to Count I is awarded against junior party Boyle;

FURTHER ORDERED that junior party Boyle is not entitled to a patent containing claims 1-15 of Boyle's 5,843,678 patent, which correspond to count I;

FURTHER ORDERED that junior party Boyle is not entitled to a patent containing claims 1, 2, 4-7, 9-15, and 37 of Boyle's 08/880,855 application, which correspond to count II;

FURTHER ORDERED that, based on the record before us, senior party Gorman is entitled to a patent containing claims 1-6, 11-16, and 21-46 of Gorman's 08/989,362 application;

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Boyle's 5,843,678 patent, Boyle's 08/880,855 application, and Gorman's 08/989,362 application.

RICHARD E. SCHAFER

Administrative Patent Judge

JAMESON LEE

Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

RICHARD TORCZON

Administrative Patent Judge

Interference No. 104,336 Boyle v. Gorman

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